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NY  
7-31-02

Docket No.: 026592.112-US01  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Cuong V. Do

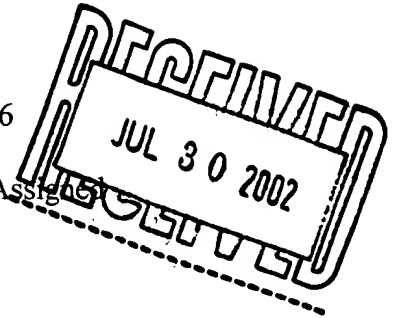
Application No.: 09/847,545

Filed: May 3, 2001

For: METHOD AND APPARATUS FOR  
CONDUCTING A BIDDING SESSION

Group Art Unit: 2166

Examiner: Not Yet Assigned



TRANSMITTAL LETTER

Commissioner for Patents  
Washington, DC 20231

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JUL 29 2002  
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Dear Sir:

Enclosed are the following items for filing in connection with the above-referenced Patent Application:

1. Information Disclosure Statement;
2. Form PTO/SB/08;
3. 22 cited documents; and
4. Return receipt postcard.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0740, under Docket No. 026592.112-US01. A duplicate copy of this paper is enclosed.

It is not believed that extensions of time fees are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 50-0740.

Dated: July 25, 2002

Respectfully submitted,

By 

Grady L. White

Registration No.: 40,874  
COVINGTON & BURLING  
1201 Pennsylvania Avenue, N.W.  
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(202) 662-6000



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**Information Disclosure Statement**

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Washington, D.C. 20231

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Sir:

Listed on accompanying Form PTO/SB/08 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO/SB/08 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior

art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

- ☒ 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.
- ☐ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
  - ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
  - ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

- ☐ c. Attached is our Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. It is hereby requested that the Information Disclosure Statement be considered. Attached is our Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(i).
- ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ 4. Relevance of the non-English language document(s) is discussed in the present specification.
- ☐ 5. The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report is attached for the Examiner's information.
- ☐ 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- ☐ 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. \_\_\_\_\_, filed \_\_\_\_\_, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a

waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

- ☐ 8. Copies of the documents were cited by or submitted to the Office in Application No. \_\_\_\_\_, filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

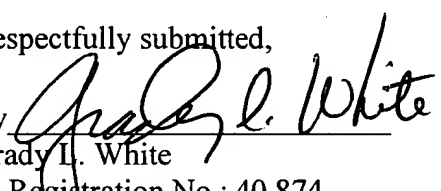
It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO/SB/08, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-0740, referencing Docket No. 026592.112-US01.

Dated: July 25, 2002

Respectfully submitted,

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PTO/SB/08A (10-01)

Approved for use through 10/31/2002.OMB 0651-0031

U. S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				Application Number	09/847,545
				Filing Date	May 3, 2001
				First Named Inventor	Cuong V. Do
				Art Unit	2166
				Examiner Name	Not Yet Assigned
Sheet	1	of	2	Attorney Docket Number	026592.112-US01

OTHER PRIOR ART -- NON-PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	A	Ariba - Enterprise Spend Management Solutions, from URL <a href="http://www.ariba.com">http://www.ariba.com</a> (printed on 6/4/2002).	
	B	Solutions Overview, from URL <a href="http://www.ariba.com/solutions/solutions_overview.cfm">http://www.ariba.com/solutions/solutions_overview.cfm</a> (printed on 6/4/2002)	
	C	News, from URL <a href="http://www.ariba.com/company/news.cfm">http://www.ariba.com/company/news.cfm</a> (printed on 6/4/2002)	
	D	E-market, E commerce, and E-procurement Solutions from Clarus, from URL <a href="http://www.claruscorp.com">http://www.claruscorp.com</a> (printed on 6/4/2002)	
	E	Auctions/Dynamic Pricing Product Information, from URL <a href="http://www.claruscorp.com/products/auctions.asp">http://www.claruscorp.com/products/auctions.asp</a> , (printed on 7/23/2002)	
	F	Clarus Product Demonstration, from URL <a href="http://www.claruscorp.com/demos/swf/index.html">http://www.claruscorp.com/demos/swf/index.html</a> (printed on 6/5/2002)	
	G	Commerce One: Solutions: Commerce One 5.0: Commerce One Source: Components, from URL, <a href="http://www.commerceone.com/solutions/products/source_components.htm">http://www.commerceone.com/solutions/products/source_components.htm</a> (printed on 6/4/2002)	
	H	Commerce One: News & Events: News Releases, from URL <a href="http://www.commerceone.com/news/releases/auctions_sourcing.html">http://www.commerceone.com/news/releases/auctions_sourcing.html</a> (printed on 6/4/2002)	
	I	Covisint - Covisint Solutions - Procurement - Auctions, from URL <a href="http://www.covisint.com/solutions/proc/auctions.shtml">http://www.covisint.com/solutions/proc/auctions.shtml</a> (printed on 6/4/2002)	
	J	Covisint - Covisint Solutions - Procurement - Auctions, from URL <a href="http://www.covisint.com/solutions/proc/auctions2.shtml">http://www.covisint.com/solutions/proc/auctions2.shtml</a> (printed on 6/4/2002)	
	K	Covisint - Covisint Solutions - Procurement - Auctions, from URL <a href="http://www.covisint.com/solutions/proc/auctions3.shtml">http://www.covisint.com/solutions/proc/auctions3.shtml</a> (printed on 6/4/2002)	
	L	Diligent, from URL <a href="http://www.diligent-systems.com/solutions/sourceauction.htm">http://www.diligent-systems.com/solutions/sourceauction.htm</a> (printed on 6/4/2002)	
	M	Emptoris - Epass, from URL <a href="http://www.emptoris.com/solutions/epass.asp">http://www.emptoris.com/solutions/epass.asp</a> (printed on 6/4/2002)	
	N	Emptoris - Epass™ Technology Advantages, from URL <a href="http://www.emptoris.com/solutions/techadvantage.asp">http://www.emptoris.com/solutions/techadvantage.asp</a> (printed on 6/4/2002)	
	O	Emptoris - Optimization FAQ, from URL <a href="http://www.emptoris.com/solutions/optimizationfaq.asp">http://www.emptoris.com/solutions/optimizationfaq.asp</a> (printed on 6/4/2002)	
	P	FreeMarkets :: E-Sourcing Software, from URL <a href="http://www.freemarkets.com/en/solutions/fullsource/technology.asp">http://www.freemarkets.com/en/solutions/fullsource/technology.asp</a> (printed on 6/4/2002)	
	Q	FreeMarkets :: QuickSource Software, from URL <a href="http://www.freemarkets.com/en/solutions/quicksource/software/default.asp">http://www.freemarkets.com/en/solutions/quicksource/software/default.asp</a>	
	R	ICG Commerce - Online B2B Procurement Service, from URL <a href="http://www.icgcommerce.com/home/overview.htm">http://www.icgcommerce.com/home/overview.htm</a> (printed on 6/4/2002)	
	S	Aberdeen Group, Procurement Service Providers: Full-Service Procurement for Competitive Advantage, An Executive White Paper, February 2001, from URL <a href="http://www.icgcommerce.com/features/aberdeen_request.htm">http://www.icgcommerce.com/features/aberdeen_request.htm</a> (printed on 6/4/2002)	

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<b>Substitute for form 1449B/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		<b>Complete if Known</b>			
		Application Number	09/847,545		
		Filing Date	May 3, 2001		
		First Named Inventor	Cuong V. Do		
		Group Art Unit	2166		
		Examiner Name	Not Yet Assigned		
Sheet	2	of	2	Attorney Docket Number	026592.112-US01

	T	ICG Commerce – RealAuction Login, from URL <a href="http://www.icgcommerce.com/customer/rauction.htm">http://www.icgcommerce.com/customer/rauction.htm</a> (printed on 7/23/2002)	
	U	LiveExchange, from URL <a href="http://moai.com/solutions/solutions_live_exchange.asp">http://moai.com/solutions/solutions_live_exchange.asp</a> (printed on 6/4/2002)	
	V	Perfect Commerce, Inc., from URL <a href="http://perfect.com/our_auction_mgr.html">http://perfect.com/our_auction_mgr.html</a> (printed on 6/4/2002)	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

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